

UNITED STATE DISTRICT COURT
DISTRICT FOR MASSACHUSETTS

William Fiske,
Plaintiff

C.A. No.

10 CA 10214 DPW

vs

Sheriff of Berkshire County,
Berkshire House of Correction

Officer O'Neil,
Deputy Sheriff,

Defendants

FILED
IN CLERKS OFFICE
2000 FEB - 5 A 11:17
U.S. DISTRICT COURT
DISTRICT OF MASS.

STRATE JUDGE Sordkin

CIVIL ACTION JURY DEMAND

The Plaintiff, William Fiske, files this civil action against the above named defendants for civil rights violations pursuant to ~~28~~⁴² U.S.C.A. 1983, 1985, and 1986, assault and battery, and intentional tort, whereas plaintiff was physically assaulted, sustained serious injuries, and received medical treatment for broken bones.

(cont'd.)

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JURISDICTION

This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

PARTIES

Plaintiff: William Fiske, W-95461, is currently a state prisoner held at MCI Cedar Junction, P.O. Box 100, Walpole, MA, 02071

Defendant: Sheriff of Berkshire County, located at Berkshire County House of Correction, 467 Cheshire Road, Pittsfield, MA 01201

Defendant: Officer O'Neil, a Deputy Sheriff at the Berkshire County House of Correction, 467 Cheshire Road, Pittsfield, MA 01201.

FACTS

1. In May 2009, the Plaintiff (hereafter "Fiske"), was confined at the Berkshire House of Correction serving a sentence of two years.
2. At about 1:00 AM in the morning, Plaintiff was awoken when he heard a key being inserted in his cell door.
3. When Plaintiff looked through his cell door window, he surprised Defendant (Hereafter "Deputy O'Neil"), who appeared to be trying to sneak into plaintiff's cell.

4. Deputy O'Neil, being surprised by the plaintiff, demanded that the plaintiff give him "the fishing line."
5. Deputy O'Neil then proceeded to open Plaintiff's cell door, and quickly slammed the cell door on the plaintiff's hand crushing the bones in plaintiff's hand.
6. When the plaintiff hollered out in pain, Deputy O'Neil opened the cell door, and grabbed plaintiff around the neck.
7. Deputy O'Neil began to wrestle with Plaintiff violently while plaintiff tried to defend ~~himself~~ himself from the assault by Deputy O'Neil,

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8. The Plaintiff screamed for help.
9. Deputy O'Neil then ran out of the cell.
10. Plaintiff was then accosted by several officers, and placed in restraints.
11. The next day, Plaintiff was taken to the hospital and received medical treatment for the injuries he sustained after being assaulted by Deputy O'Neil.
12. Plaintiff was diagnosed with four broken bones in his hands, scraper on his thigh and elbow, and left rib cage bruises.
13. Plaintiff hand was placed in a "cast," up to his forearm, and his arm was placed in a sling.

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14. Plaintiff was taken back to the Berkshire County House of Correction, and placed back in Solitary Confinement.
15. The Defendant, Sheriff of Berkshire County, did not acknowledge plaintiff's complaints or grievances filed against Deputy O'Neil.
16. The Defendant, Sheriff of Berkshire County did not discipline or discharge Deputy O'Neil from employment for his intentional assault and battery on Plaintiff.
17. The Plaintiff's Fingers are still damaged, and plaintiff's hand aches in its nerves periodically.
18. Plaintiff is only 5'9" and 180 lbs., and he suffers psychological problems as a result of being assaulted by Deputy O'Neil.

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19 To date, Defendant, Sheriff of Berkshire County not made any effort to compensate plaintiff for the injuries he sustained by Deputy D'Neel

RELIEF

WHEREFORE, plaintiff seeks monetary damages from both defendants in their official and individual capacity for violating plaintiff's civil rights. Plaintiff also seeks monetary damages for assault and battery and intentional tort, and pain and suffering. The plaintiff demands jury trial.

Respectfully Submitted,

X William Fiske

William Fiske
MC Cedar Junction
P.O. Box 100
Walpole MA 02071

January 22, 2010